

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

State of Wisconsin
Before the Board of Nursing

In the Matter of the Disciplinary Proceedings Against

Judy A. Saunders, RN
Respondent.

FINAL DECISION AND ORDER

LS 98050812NUR

The parties to this proceeding for purposes of s. 227.53, Stats., are:

Judy A. Saunders, RN
1724 Johnson Avenue
Racine WI 53402

Board of Nursing
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

The parties having agreed to the attached stipulation, the Board of Nursing makes the following:

FINDINGS OF FACT

1. Judy A. Saunders, R.N., ("Respondent") was born on November 17, 1948, and is licensed to practice as a registered nurse in the state of Wisconsin pursuant to license number 114368, first granted on September 24, 1993. From July through October 1996, Respondent was employed by Froedert/Doyne Hospital in Milwaukee.

2. Early in Respondent's shift on July 29, 1996, a patient whose care required a negative pressure room was brought to the unit Respondent was supervising. No negative pressure room was available on Respondent's unit, and a transfer was arranged for the patient to another unit. The transfer did not take place for approximately 4 hours. During that period, Respondent did not perform or supervise the performance of any care for the patient. Respondent states that she

did not know the location of the patient on her unit, for the reason that she believed a nurse working the previous shift had taken charge of the details.

3. On October 8, 1996, Respondent took the temperature of a patient at 10.40 p.m., obtaining a reading of 102.4° F. Respondent did not inform the patient's physician, on the belief that a nurse on the previous shift had done so. Respondent did not check with the other nurse, and did not record any further temperature checks on that patient during the remainder of her shift.

4. On October 8, 1996, Respondent was caring for a patient whose physician's orders included a requirement that the physician be notified if the patient's systolic blood pressure exceeded 200 mm. At 3:45 a.m., Respondent noted a blood pressure reading of 237/117, but did not inform the physician on the belief that the machine which reported the readings was faulty. Respondent did have a nursing assistant take a blood pressure at 4:00 a.m. and again at 5:45 a.m., obtaining readings each time below the physician's notification limit.

5. On October 8, 1996, Respondent was caring for a patient with orders for a morphine drip, for pain. The drip was started at 3:00 a.m., and although hospital policy requires hourly monitoring of the respiratory rate of a patient for the first eight hours the patient is receiving morphine, Respondent did not record a respiratory rate for the remainder of her shift. Respondent states that she did check the respiratory rate regularly while caring for the patient, but simply did not record it.

6. On October 28, 1996, at 6:00 a.m. Respondent added medication to a patient's IV drip through the needle ports. Respondent left the IV needle port caps in a small container on a patient's overbed table, when she returned at 7:45 a.m. to close off the needle ports, she discovered that the patient had ingested the needle port caps, believing them to be his medication.

7. Respondent has been employed at a long-term care facility in Milwaukee since July 22, 1997. The Director of Nursing at the facility has recently provided a positive report to the Board about Respondent's work at the facility during Respondent's employment there.

CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction in this matter pursuant to s. 441.07, Stats.
2. Respondent's conduct described in Findings of Fact paragraphs 2 through 6 constitute violations of s. N7.03(1), Wis. Admin. Code.

ORDER

Now, therefore, it is ordered that the license previously issued to Respondent Judy A. Saunders, R.N., be LIMITED by the condition that Respondent Judy A. Saunders shall cause her employer to forward quarterly reports of her conduct of the practice of nursing to the Board of Nursing for a period of one year from the date of this Order.

The reports shall be due on June 1, 1998; September 1, 1998; December 1, 1998; and March 1, 1999.

The reports shall be addressed to the attention of Michelle Neverman, Department Monitor, Department of Regulation and Licensing, P.O. Box 8935, Madison, Wisconsin 53708.

Dated this 8 day of May, 1998.

WISCONSIN BOARD OF NURSING

Ruth E. Lindgren RNMSN Vice Chair
A Member of the Board

State of Wisconsin
Before the Board of Nursing

In the Matter of Disciplinary Proceedings Against

Judy A. Saunders, R.N.
Respondent

Stipulation

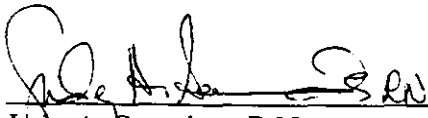
It is hereby stipulated between Judy A. Saunders, R.N., personally and on her own behalf and James E. Polewski, Attorney for the Division of Enforcement, Department of Regulation and Licensing, as follows:

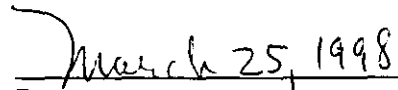
1. This stipulation is entered in resolution of the pending matter concerning Ms. Saunders' license. The Stipulation and the proposed Final Decision and Order shall be presented directly to the Board of Nursing for its consideration and adoption.
2. In resolution of these proceedings, Ms. Saunders consents to the entry of the attached Final Decision and Order.
3. Ms. Saunders is aware of and understands each of her rights, including:
 - the right to a hearing on the allegations against her, at which the state would have the burden of proving the allegations by a preponderance of the evidence,
 - the right to confront and cross-examine the witnesses against her,
 - the right to call witnesses on her own behalf and to compel their attendance by subpoena,
 - the right to testify herself,
 - the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision,
 - the right to petition for rehearing,
 - the right to be represented at every stage of the proceeding, including the making of any stipulation, by an attorney of her choosing, at her own expense,
 - all other rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
4. Ms. Saunders is aware and understands that by signing this stipulation she voluntarily and knowingly waives the rights set forth in paragraph 3 above, and does voluntarily and knowingly waive those rights.
5. If the terms of this stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this stipulation, and the matter shall be returned to the Division of

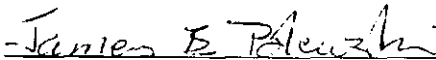
Enforcement for further proceedings. In the event that this stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

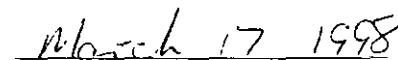
6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Board of Nursing assigned as an advisor in this investigation may appear before the Board for the purpose of speaking in favor of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

7. Ms. Saunders is informed that should the Board adopt this stipulation, the Board's final decision and order is a public record and will be published in the monthly *Report of Decisions* issued by the department. A summary of the order will be published in the *Wisconsin Regulatory Digest* issued semiannually by the Board. Ms. Saunders agrees to deliver Ms. Saunders's credentials to the Board immediately upon receipt of the Final Decision and Order resulting from this Stipulation. Ms. Saunders will then be provided with the standard credential issued by the department to those practicing under limitations. This is standard department procedure and in no way specially directed at Ms. Saunders.


Judy A. Saunders, R.N.


Date


James E. Polewski
Attorney
Division of Enforcement


Date

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE BOARD OF NURSING

In the Matter of the Disciplinary Proceedings Against

Judy A. Saunders, RN,

AFFIDAVIT OF MAILING


Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On May 18, 1998, I served the Final Decision and Order dated May 8, 1998, LS98050812NUR, upon the Respondent Judy A. Saunders, RN by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 158 902.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is.

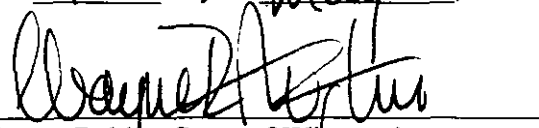
Judy A. Saunders, RN
1724 Johnson Avenue
Racine WI 53402



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 18th day of May, 1998.



Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF RIGHTS OF APPEAL

TO: JUDY A SAUNDERS RN

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 5/18/98. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. REHEARING.

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

A petition for rehearing should name as respondent and be filed with the party identified below.

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN BOARD OF NURSING

1400 East Washington Avenue

P.O. Box 8935

Madison WI 53708-8935